

1 JOHN B. SHOOK, ESQ.
Nevada Bar No. 5499
2 SHOOK & STONE, CHTD.
710 South 4th Street
3 Las Vegas, NV 89101
4 Office: (702) 385-2220
Attorney for Plaintiffs
5

6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 THOMAS ANGELO, an Individual; and
9 KAREN ANGELO, an Individual,

10 Plaintiff,

11 vs.

12 ALBERTSON'S LLC., d/b/a ALBERTSON'S,
13 a Foreign Limited-Liability Company; and
14 DOES I through X, inclusive; and ROE
15 BUSINESS ENTITIES I through X, inclusive,

16 Defendants.

Case No.: 2:17-CV-01246-APG-GWF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(Third Request)

17
18 IT IS HEREBY STIPULATED AND AGREED, by Plaintiffs and Defendants, by and
19 through their undersigned counsel, that discovery be extended beyond the Discovery Schedule in
20 the Stipulation and Order to Extend Discovery dated March 23, 2018 (Document No. 17).

21 Per Federal Rules of Civil Procedure 16(b), and Local Rule 26-4 the following is included in
22 support of the proposed extension to the Discovery Schedule:

23 **A. STATEMENT SPECIFYING THE DISCOVERY THAT HAS BEEN COMPLETED.**

24 The parties participated in the Fed. R. Civ. P. 26(f) conference on June 22, 2017. The parties
25 have propounded and responded to written discovery requests including Interrogatories, Request for
26 Production of Documents and Requests for Admission. The depositions of Plaintiff, Thomas
27 Angelo and Karen Angelo were completed on October 30, 2017. The deposition of Defendant's
28

1 employee, Kenneth Luoto was completed on June 3, 2018 and the deposition of Defendant's store
2 manager, Mignon Pasqualicchio was completed on January 19, 2018 and store employee, Lynette
3 Burks on March 27, 2018. The parties disclosed expert reports on February 21, 2018 and the parties
4 disclosed rebuttal expert reports on March 22, 2018. Defendants' currently have the depositions of
5 Plaintiff's medical expert, Stuart Kaplan, M.D. scheduled for June 22, 2018, David Silverberg,
6 M.D. scheduled for June 25, 2018 and Plaintiff's economist, Stan Smith, Ph.D. scheduled for June
7 28, 2018.

8 **B. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE**
9 **COMPLETED.**

10 As set forth above, the parties agree that an extension in the discovery deadlines is necessary
11 to ensure this case is prepared for trial. Additionally, the parties have agreed to mediation which is
12 currently scheduled for July 25, 2018. If mediation is unsuccessful both parties will need to
13 conduct the liability experts' depositions in addition to an FRCP 30(b)(6) Albertson's Corporate
14 Representative deposition.

15 **C. REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED**
16 **WITHIN THE DEADLINES CONTAINED IN THE AMENDED DISCOVERY**
17 **SCHEDULING ORDER**

18 Despite the parties' good faith efforts to comply with the Court's discovery deadlines, both
19 parties have been compromised in part by the numerous experts that will need to be deposed and
20 the extent of Plaintiff's treating physicians. As such, the parties believe that a ninety (90) extension
21 of the discovery cut off date will be sufficient to allow the parties to complete discovery.

22 **D. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.**

23 It is requested that all remaining discovery deadlines in this case be continued as follows:

24 1. **Discovery Cut-Off Date:** The last day to conduct discovery shall be **September 19,**
25 **2018.**

26 2. **Dispositive Motions:** The date for filing dispositive motions shall extended for
27 thirty days until **October 19, 2018**, 30 days after the proposed amended discovery cut-off date. In
28 the event that the discovery period is again extended from the discovery cut-off date set forth in this

1 proposed Discovery Plan and Scheduling Order, the date for filing dispositive motions shall be
2 extended to be not later than 30 days from the subsequent discovery cut-off date.

3 3. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than
4 **November 19, 2018**, 30 days after the cut-off date for filing dispositive motions. In the event that
5 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30
6 days after decision on the dispositive motions or until further order of the court. In the further event
7 that the discovery period is extended from the discovery cut-off date set forth in this Discovery Plan
8 and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance
9 with the time periods set forth in this paragraph.

10 4. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P.
11 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

12 5. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any
13 stipulation or motion must be made no later than 21 days before the subject deadline. Requests to
14 extend discovery deadlines must comply fully with LR 26-4.

15 DATED this 11th day of June, 2018.

DATED this 11th day of June, 2018.

16 SHOOK & STONE, CHTD.

BACKUS, CARRANZA & BURDEN

17 /s/ John Shook, Esq.

/s/ Jack Burden, Esq.

18
19 JOHN B. SHOOK, ESQ.

JACK P. BURDEN, ESQ.

20 Nevada Bar No. 5499

Nevada Bar No. 6918

21 710 South Fourth Street

XIAO WEN JIN, ESQ.

22 Las Vegas, NV 89101

Nevada Bar No. 13901

(702) 385-2220

3050 South Durango Drive

Attorneys for Plaintiffs

Las Vegas, Nevada 89117

Attorneys for Defendants

23 **ORDER**

24
25 IT IS SO ORDERED:

DATED this 12th day of June, 2018.

26
27 
28 UNITED STATES MAGISTRATE JUDGE